



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 1, 2011

ITEM NUMBER:

SUBJECT: CO-11-01 CODE AMENDMENT TO TITLE 5, CHAPTER I, OF THE COSTA MESA MUNICIPAL CODE REGARDING BUILDING PERMIT REQUIREMENTS FOR MASONRY WALLS GREATER THAN THREE FEET IN HEIGHT

DATE: FEBRUARY 14, 2011

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: KHANH NGUYEN, CBO, BUILDING OFFICIAL

FOR FURTHER INFORMATION CONTACT: KHANH NGUYEN (714) 754-5277

RECOMMENDATION:

Introduce for first reading and waive further reading.

BACKGROUND:

At the February 1, 2011 meeting, the City Council directed staff to bring forth an ordinance to require building permits for masonry walls greater than three feet in height. Council expressed several concerns with regard to exempting 6 feet high masonry walls from building permits:

1. Unlicensed contractors who performed substandard work left the homeowners with little recourse to have the work corrected.

By requiring permits, staff will verify that the contractor has the proper State license, workman's compensation, and City business license prior to permit issuance.

2. Many walls are built throughout the City inconsistent with the zoning code. e.g. exceed height in the front setback.

The permit process will include Planning staff checking the wall plans to confirm that zoning requirements are met before the plans are approved.

3. Walls built that may have encroached into neighbor's yard.

The permit process will include a party wall agreement between neighbors. This will ensure that the location of the common wall is agreed to by both parties.

If approved, the attached ordinance will amend Title 5 requiring building permits for masonry walls greater than 3 feet in height.

ANALYSIS:

Staff is recommending that building permits only be required for masonry walls (e.g., stucco, block, pilaster, or brick), and not for fences (e.g., wood, steel, vinyl, or iron). The City has never required a building permit for fences, and if a fence is constructed inconsistent with zoning standards, the necessary correction is more easily made than for a masonry wall.

The cost for a masonry wall permit is \$211 for a 6' high 100 lineal feet wall and \$127 for a 6' high 50 lineal feet wall. Typically staff will be able to issue the permit "over the counter". The property owner or contractor will be required to submit a site plan (showing location and height) and construction specifications. We currently have standard specifications for six-foot high block walls that can be used for permit issuance. For masonry walls being proposed on property lines, staff is not recommending that a lot line survey be required for permit issuance. This requirement adds substantial cost and time to the homeowners. The cost for a survey could well exceed \$1,000, depending on the location of the datum marker on the sidewalk or street.

FISCAL REVIEW:

There should not be an impact to the City budget as the permit fees will cover most of the cost for inspection. Staff estimates issuing 100 masonry wall permits and collecting \$17,000 per year in permit fees.

Fee comparisons with surrounding jurisdictions:

Jurisdictions	Permit Required for Masonry Walls	Permit fee for a 100 lineal feet wall, 6' high	Permit fee for a 50 lineal feet wall, 6' high	Additional Requirements
Costa Mesa	More than 36" high (proposed)	*\$211	*\$127	Party wall agreement
Huntington Beach	More than 42" high	*\$286	*\$185	Party wall agreement
Fountain Valley	More than 36" high	\$385	\$235	Party wall agreement
Newport Beach	More than 36" high	\$334	\$235	Party wall agreement & Lot Line Survey
Orange County	Not required up to 6' high	NA	NA	NA
Santa Ana	Not required up to 6' high	NA	NA	NA
Irvine	Not required up to 6' high	NA	NA	NA

*Does not charge plan check fee

LEGAL REVIEW:

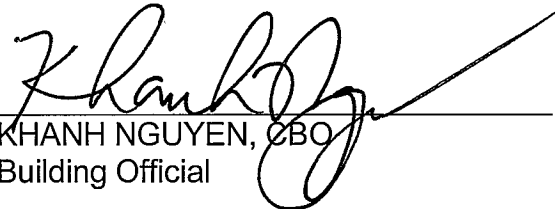
The City Attorney has approved the ordinance as to form.

ALTERNATIVES CONSIDERED:

Receive and file.

CONCLUSION:

Building permit requirements for masonry walls that are greater than 3 feet in height will ensure that the walls are constructed in conformance with all applicable building and zoning code requirements.


KHANH NGUYEN, CBO
Building Official


KIMBERLY BRANDT, AICP
Development Services Director

ATTACHMENT:

1. Ordinance No. 11-____

DISTRIBUTION: City Manager
Assistant City Manager
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Clerk (2)
Staff (4)
File (2)
Building Industry Association (BIA)
South Coast Metro Alliance
Costa Mesa Chamber of Commerce

File: 030111CO1101MasonryWalls

Date: 021411

Time: 1:00 p.m.

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING MUNICIPAL CODE AMENDMENT CO-11-01, AMENDING SECTIONS 5-1.1 AND 5-1.3 OF TITLE 5 OF THE COSTA MESA MUNICIPAL CODE RELATED TO BUILDING PERMIT FOR MASONRY WALLS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 5-1.1 and 5-1.3 of Chapter I, Title 5, is hereby amended as follows:

Amend Section 5-1.1 by adding the following:

- "k) Amend item number 2 under "Building" in Section 105.2, Work exempt from permit, as follows:
 - 2. ~~Fences not over 6 feet (1829 mm) high.~~ Wood, steel, vinyl, or iron fences not over 6 feet high. Stucco, concrete, brick, masonry, block fences not over 3 feet high."

Amend Section 5-1.3 by adding the following:

- "g) Amend item number 2 under "Building" in Section R105.2, Work exempt from permit, as follows:
 - 2. ~~Fences not over 6 feet (1829 mm) high.~~ Wood, steel, vinyl, or iron fences not over 6 feet high. Stucco, concrete, brick, masonry, block fences not over 3 feet high."

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment.

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2011.

GARY MONAHAN
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)

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COUNTY OF ORANGE)

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 11-___ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2011, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2011, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2011.

City Clerk
City Council of the City of Costa Mesa